

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

UNITED STATES OF AMERICA)
)
v.) 4:21-CR-111
)
RAPHAEL SAMUEL SMITH)

**GOVERNMENT'S UNOPPOSED MOTION TO CONTINUE EVIDENTIARY
HEARING AND MOTION FOR TIME TO FILE RESPONSE TO DEFENDANT'S
AMENDED MOTION TO SUPPRESS (DOC. 728)**

The United States of America, by and through Jill E. Steinberg, United States Attorney for the Southern District of Georgia, and the undersigned Assistant United States Attorney, hereby moves the court to continue the evidentiary hearing currently scheduled for March 3, 2023 and to allow the government 30 days from the filing of this motion, until March 31, 2023, in which to respond to Defendant's Amended Motion to Suppress filed February 28, 2023. In support of the motion, the government submits the following:

1. On January 26, 2022, Defendant filed his original motion to suppress. (Doc. 341), along with two other motions to suppress (Doc. 371, 372). On April 1, 2022, the Government filed its response to this motion. (Doc. 431) Thereafter, the court scheduled the matter for an evidentiary hearing on May 12, 2022. Owing to a number of reasons including illness of Defendant's attorney and other court conflicts, the evidentiary hearing has been continued upon Defendant's motion on several occasions. (Doc. 623, 633, 664, 690) On February 28, 2023, Defendant filed his Amended Motion to

Suppress. (Doc. 728). For the reasons below, the government now makes this additional request for extension of time.

4. The government does not have adequate time to assess, research, investigate, and prepare a response to the Defendant's motion prior to the scheduled hearing date, which is only three days from the Defendant's amended filing. In this filing, Defendant has not only alleged new facts in support of its motion, but has also alleged new grounds for suppression. The government does not have adequate time to review evidence and prepare testimony in response to Defendant's motion. At this time, the undersigned Assistant United States Attorney and co-counsel are actively finalizing preparation for a jury trial beginning March 7, 2023. The government is preparing witnesses in that matter and finalizing its trial plan and exhibits. Therefore, the government is unable to adequately respond and prepare for the arguments raised by Defendant in his newly amended motion. As such, the government respectfully requests the evidentiary hearing be continued as to all motions and the government be granted 30 days from the filing of this motion, until March 31, 2023, in which to respond to Defendant's Amended Motion.

5. The government further asserts that this request is not made for the purpose of delay, but rather is sought to allow it the time necessary to respond. Therefore, the government requests a finding that the ends of justice advanced by granting the government's request for time to respond to Defendant's motion outweighs the best interest of the public and Defendants' speedy trial interest. *See* 18 U.S.C. § 3161(h)(7)(A); *Bloate v. United States*, 130 S. Ct. 1345, 1358 (2010) (noting that a

finding by a district court granting an extension of time to allow additional time for pretrial motion preparation is excludable under the Speedy Trial Act).

6. Counsel for the government has conferred with counsel for Defendant and he has indicated they do not oppose this motion for continuance and for additional time to respond. The government, therefore, make this request for additional time with Defendant's consent.

For the foregoing reasons, the Government respectfully submits that a continuance of the evidentiary hearing and granting of 30 days from the filing of this motion for the government to respond to motions is warranted.

Respectfully submitted this 1st day of March, 2023,

JILL E. STEINBERG
UNITED STATES ATTORNEY

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CERTIFICATE OF SERVICE

This is to certify that I have on this day served all the parties in this case in accordance with the notice of electronic filing (“NEF”) which was generated as a result of electronic filing in this Court.

Respectfully submitted this 1st day of March, 2023,

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